

Congress of the United States
Washington, DC 20515

October 6, 2017

Acting Secretary Donald Wright
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Acting Secretary Wright:

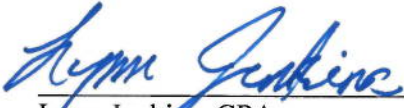
On July 13, 2017, the Centers for Medicare and Medicaid Services released the proposed rule for "Hospital Outpatient Prospective Payment System and Ambulatory Surgical Center Payment System Changes for 2018." While we were pleased CMS included a two-year moratorium on enforcement of its burdensome direct supervision requirement for outpatient therapeutic services provided in certain small and rural hospitals, we urge you to include a moratorium for the current year, 2017, and to permanently extend the enforcement moratorium.

Under current regulations, hospitals must perform most outpatient therapeutic services under the "direct supervision" of a physician or qualified non-physician practitioner, which can be challenging for small and rural hospitals due to already low numbers of available health professionals and associated costs. When these services become too expensive or difficult to provide under "direct supervision" requirements, they are at risk of being terminated, leaving patients without access to care in their communities.

The American Hospital Association, which represents nearly 2,000 small and rural hospitals, has stated that hospital outpatient services in rural communities have always been – and will continue to be provided by licensed, skilled professionals under the overall direction of a physician. However, if CMS enforces its burdensome direct supervision policy in these vulnerable facilities, we are concerned that many hospitals will simply stop offering certain services or drastically limit when they are offered to patients because they cannot afford to maintain compliance with the regulation. Furthermore, we are concerned that without a moratorium in 2017, hospitals operations and services may be jeopardized by the prospect of enforcement of this burdensome regulation.

We appreciate your willingness to listen to and consider our concerns, and for your commitment to protect access to patient care in rural communities and provide regulatory relief to America's small and rural hospitals.

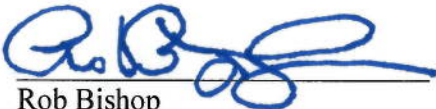
Sincerely,



Lynn Jenkins, CPA
Member of Congress



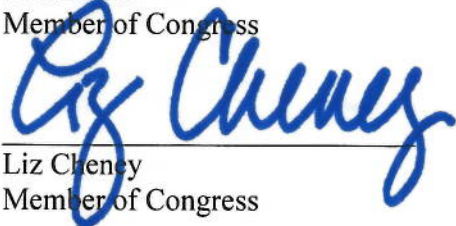
Ralph Abraham, M.D.
Member of Congress



Rob Bishop
Member of Congress



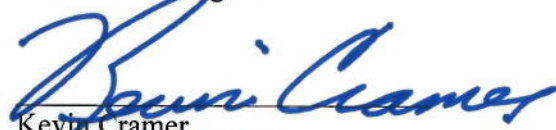
Rod Blum
Member of Congress



Liz Cheney
Member of Congress



Tom Cole
Member of Congress



Kevin Cramer
Member of Congress



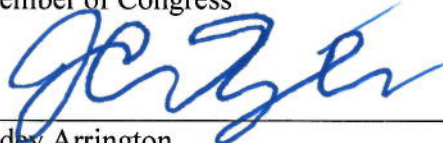
Scott DesJarlais, M.D.
Member of Congress



Ron Estes
Member of Congress



Dave Loebsack
Member of Congress



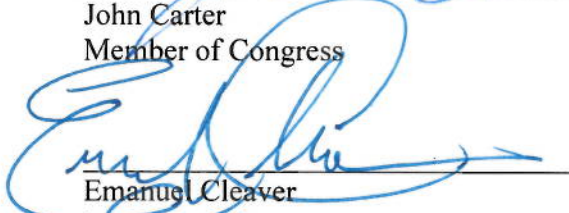
Jodey Arrington
Member of Congress



Diane Black
Member of Congress



John Carter
Member of Congress



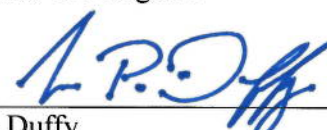
Emanuel Cleaver
Member of Congress



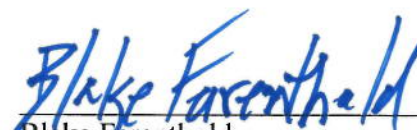
Doug Collins
Member of Congress



Rick Crawford
Member of Congress



Sean Duffy
Member of Congress

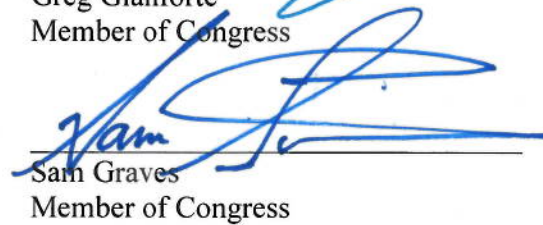


Blake Farenthold
Member of Congress


Jeff Fortenberry
Member of Congress


Greg Gianforte
Member of Congress


Bob Gibbs
Member of Congress

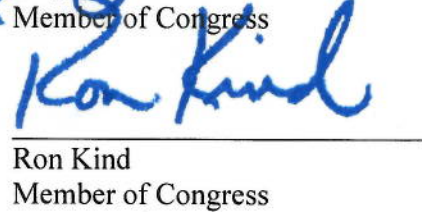

Sam Graves
Member of Congress

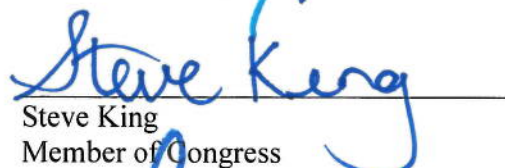

Tom Graves
Member of Congress


Vicky Hartzler
Member of Congress

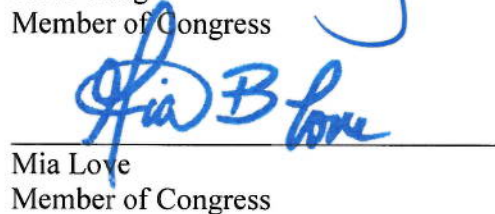

Jody Hice
Member of Congress


Evan Jenkins
Member of Congress


Ron Kind
Member of Congress

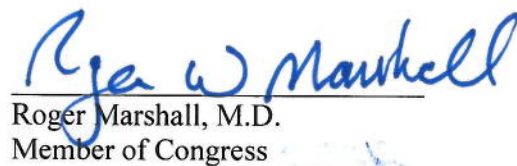

Steve King
Member of Congress


Doug LaMalfa
Member of Congress


Mia Love
Member of Congress


Blaine Luetkemeyer
Member of Congress


Tom Marino
Member of Congress

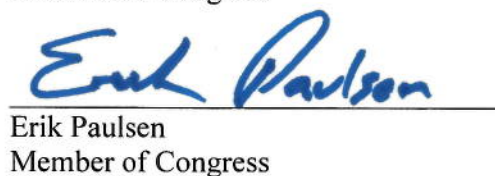

Roger Marshall, M.D.
Member of Congress


David McKinley
Member of Congress


Cathy McMorris Rodgers
Member of Congress


Kristi Noem
Member of Congress


Tom O'Halleran
Member of Congress


Erik Paulsen
Member of Congress



Stevan Pearce
Member of Congress



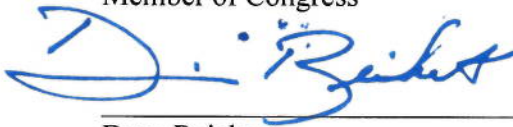
Collin Peterson
Member of Congress



Robert Pittenger
Member of Congress



Tom Reed
Member of Congress




Dave Reichert
Member of Congress



Tom Rice
Member of Congress



Terri Sewell
Member of Congress



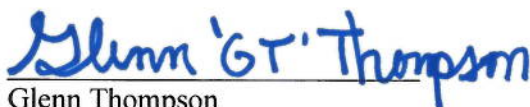
Adrian Smith
Member of Congress



Jason Smith
Member of Congress



Bennie Thompson
Member of Congress



Glenn Thompson
Member of Congress



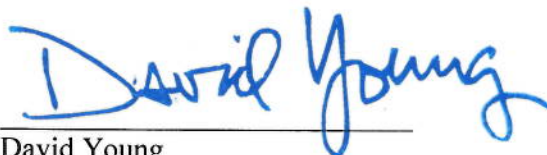
Mac Thornberry
Member of Congress



Scott Tipton
Member of Congress



Kevin Yoder
Member of Congress



David Young
Member of Congress



Don Young
Member of Congress



Dan Newhouse
Member of Congress



Virginia Foxx
Member of Congress

CC: Seema Verma, Administrator, Centers for Medicare and Medicaid Services